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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,041	11/01/2001	Charles G. Williamson	09741620-0204	1233
26263	7590	01/13/2005	EXAMINER	
SONNENSCHEIN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080			PEYTON, TAMMARA R	
		ART UNIT	PAPER NUMBER	
		2182		

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/003,041	WILLIAMSON, CHARLES G.	
	Examiner Tammara R Peyton	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 03 December 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 and 9-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____                                     |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7, 9-14, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Furlong*, (US 2002/0123824 A1) and *Ali*, (US 6,549,818).

As per claims 1, 10, 18, and 20, *Furlong* teaches a method for remote updating of intelligent household appliances where a message from the intelligent appliance requesting a new recipe program, wherein the message is being sent without user intervention, for transmitting the new recipe to the intelligent appliance once find in an external database of recipe programs. (Abstract, pgs. 1, 2 [0004-0007], [0011-0014])  
*Furlong* further teaches storing recently used recipe programs in a memory of the intelligent appliance. (*Furlong*, [0014]) *Furlong* teaches an intelligent device (12, Fig.1) with a subsystem 20 that includes a computer (22), a keyboard (24), a display (26), a scanner (28) and a modem (30) for reading barcodes/UPC codes via a scanner, wherein the barcodes/UPC codes are associated with a recipe program that may or may not be stored in a memory of the intelligent device. The intelligent device/subsystem is able to determine if a particular barcode/UPC code is already

stored in memory 34. If it is determined that the particular barcode/UPC code is not stored in memory 34 than the intelligent device establishes communication with an external database (18), via a modem 30 in the subsystem 20 and without user intervention, where the associated recipe program is found and downloaded to the intelligent device. *Furlong* also teaches wherein the intelligent appliance can download from the Internet and not just the external database. In other words, *Furlong* teaches of automatically obtaining the recipe program associated with the barcode/UPC code that is not already stored in memory 34.

Therefore, one of ordinary skill would readily recognize that *Furlong* could utilize the intelligent appliance subsystem to download a plurality of other recipe software from Internet in general. However, *Furlong* does not expressly teach selecting a plurality of recipe programs associated with an intelligent appliance and storing the recipe program in a user profile in the intelligent appliance subsystem.

Nonetheless, *Ali* teaches an intelligent appliance (10) with an appliance computer (14, Fig. 1) that has access to the Internet that will enable a user to select and store in memory a plurality of recipe programs to be downloaded to the intelligent appliance based on a user profile. (*Ali*, col. 3, lines 25-67, Fig.2)

It would have been obvious to one of ordinary skill at the time the invention was made to implement the user profile of *Ali*'s intelligent appliance that allows a user to select and store in memory individual recipe programs based on a particular user into

*Furlong's intelligent appliance subsystem.* Doing so add and expand the flexibility to *Furlong's intelligent appliance* by allowing a user to select from the Internet and store in the intelligent appliance individual recipes preferences, for example, recipes according to weight control or for cholesterol reasons in a user profile. (*Ali*, col. 3, lines 60-63)

Further, *Ali* teaches a method of when the user profile is remote from the intelligent appliance. *Ali* teaches in one design wherein the program 26 inputs a user profile 54, and the program 26 modifies the cooking recipe 28 (such as an Internet-downloaded cooking recipe 40) based on the user profile 54. In another design, the program 26 of the appliance computer 14 (or the Internet-accessing appliance computer 38) inputs a user profile 54 and sends the user profile 54 to the host computer 58 (or Internet-accessible host computer 60) which modifies the cooking recipe 28 (or Internet-downloaded cooking recipe 40) based on the sent user profile 54 before downloading the cooking recipe 28 (or Internet-downloaded cooking recipe 40) as an input to the program 26 of the appliance computer 14. (col. 4, lines 50-col. 5, lines 1-36) Therefore, it would have been obvious to one of ordinary skill that *Ali's* individual user profiles or an instance of the user profiles are sent to a host computer/Internet and used to determine the type of cooking recipes (food restrict or modifications, etc.) that should be downloaded to the intelligent appliance according to the specific user profile. *Ali* teaches a method wherein the user profiles are remote from the intelligent appliance because *Ali* teaches using the host computer to download and store cooking recipes. Therefore, one of ordinary sill would readily recognize that

the user profiles related to special cooking recipes would also be stored on the host computer because *Ali* teaches wherein cooking recipes are modified by the host computer based on the user profile.

As per claims 2 and 11, *Ali* teaches identifying a user profile associated with the intelligent appliance; and formatting a message containing the current plurality of recipes in the user profile.

As per claim 3 and 12, *Ali* teaches identifying the possible recipe programs that are capable of being associated with the intelligent appliance. (*Ali*, col. 5, lines 2-16)

As per claim 4 and 13, *Ali* teaches generating a list of recipe programs from which the plurality of recipe programs associated with an intelligent appliance are selected. (*Ali*, col. 5, lines 2-16)

As per claims 5 and 14, *Ali* teaches accessing wherein the intelligent appliance has Internet accessing ability either with computer 14 or a host computer 58, therefore, it would have been obvious to one of ordinary skill that a web browser is used when accessing profile data via the Internet. (*Ali*, col. 4, lines 50 - col. 5, lines 24-35)

As per claim 7 and 9, *Furlong-Ali* teaches a data structure stored in memory, comprising:

a user identifier (user profile, *Ali*) are associated element that identifies a record in a database (host computer/internet, *Ali*); and an appliance identifier (10, *Ali*) element linked to the user identifier element that identifies an intelligent appliance; and a plurality of recipe program elements linked to the appliance identifier element. (*Ali*, Abstract, pgs. 1, 2 [0004-0007], [0011-0014]) *Ali* is silent in respect to a unique product code element associated with at least one of the plurality of recipe program elements. *Furlong* teaches wherein the unique product code element is a UPC code ([0012]) element. *Furlong* teaches an intelligent device (12, Fig.1) with a subsystem 20 that includes a computer (22), a keyboard (24), a display (26), a scanner (28) and a modem (30) for reading barcodes/UPC codes via a scanner, wherein the barcodes/UPC codes are associated with a recipe program that may or may not be stored in a memory of the intelligent device. Therefore, one of ordinary skill would readily recognize that *Furlong* could utilize the intelligent appliance subsystem to download a plurality of other recipe software from Internet in general related to the user profile of *Ali*.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Furlong*, (US 2002/0123824 A1) and *Ali*, (US 6,549,818) as applied to claims 1-5, 10-14, and 20 above, and further in view of *Abrams et al.*, (US 6,587,739), previously sited in paper #7.

As per claim 6 and 15, *Furlong* and *Ali* both teach downloading the plurality of recipes to the intelligent oven. (*Furlong*, [0014], *Ali*, col. 2, lines 44-47) However, both *Furlong* and *Ali* are silent in respect to the intelligent appliance consisting of a bread machine or a coffeemaker. Nonetheless, *Abrams* teaches a system wherein a plurality of recipes could be download for intelligent bread machine or coffeemaker. It would have been obvious to one of ordinary skill at the time the invention was made that intelligent bread machines or coffeemakers (See prior art *Abrams*, Fig.5b, sited paper #7) are well known in the art, therefore, it would not be out of the scope for *Furlong*'s or *Ali*'s systems to be implemented in other intelligent appliances described by *Abrams* without depart the inventive concepts, because doing so would simply expand the flexibility of *Furlong*'s and *Ali*'s intelligent appliance system.

Claims 16, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Furlong*, (US 2002/0123824 A1) and *Ali*, (US 6,549,818) as applied to claims 1-5, 10-14, and 20 above, and further in view of *Krichilsky et al.*, (US 2002/0152200).

As per claim 16, 17, and 19, *Furlong -Ali* expressly teach obtaining a recipe program based on a user profile when the recipe program is not currently in the intelligent appliance by downloading the new recipe program from an external database, however, *Furlong-Ali* are silent in respect to and updating a user profile with a continuing request for a new program if the new recipe is not found in the external database. However, *Krichilsky* teaches an ordering system wherein a user signs in at a website with a user-id and password that will enable the user to order products. If the user requests an item that is currently not in the database (in stock) then the user (via user's id) is put on a 'wait' or 'watch' list. When the requested item becomes available the user is notified via fax, email, or the product is automatically ordered and sent to the user. (*Krichilsky*, pg. 3, [0050],[0036])

It would have been obvious to one of ordinary skill at the time the invention was made to implement *Krichilsky*'s method that allows a user (via user's id) to place an unavailable product on a 'wait' or 'watch' list and either order the product or notify the user when the product becomes available with *Furlong-Ali*. Doing so would enhance *Furlong-Ali*'s system by placing the user (via user's profile) on a 'wait' or 'watch' list for specific user recipes that are currently unavailable on the external database, wherein, the user is automatically notified when the specific user recipes become available thereby ensuring that the user and the intelligent appliance will eventually receive the desired recipe.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(703) 872-9306

Hand-delivered responses should be brought to:

USTPO, 2011 South Clark Place, Customer Window

Crystal Plaza Two, Lobby Room 1B03, Arlington, VA, 22202Crystal Park II, 2121.



Tammara Peyton

January 11, 2005